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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,174	02/22/2005	Bert Leo Alfons Verdonck	NL 020766	7740

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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AZARIAN, SEYED H

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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02/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,174	<b>Applicant(s)</b> VERDONCK, BERT LEO ALFONS	
	<b>Examiner</b> Seyed Azarian	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-11 is/are rejected.
- 7) ☐ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/28/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows;

Claim 16 states, "A computer program". Such claimed "computer program" do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer. In order to be statutory the claim should state, "A computer readable medium storing a computer application program read by a computer system; or a computer readable medium encoded with one of the following: a "computer program";

“software”; “computer executable instructions”; or instructions capable of being executed by a computer”; or state, “A computer readable medium “storing a” computer program; or state, “A computer readable medium “embodied with a” computer application program read by a computer system”.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3 and 9-11, are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al (U.S. patent 6,928,314).

Regarding claim 1, Johnson discloses a method of producing an object data set describing a straightened reformat from an original object data set containing an elongate subject (column 10-, lines 6-16, the “elongated” pictures at the bottom of the display are images of the “straightened” colon showing the entire length of the delineated colon);

from which an initial cross sectional slice is created transverse to the elongate subject and at least one further cross sectional slice is created transverse to the elongate subject (column 3, lines 34-49, a colon midline is defined which follows the colon lumen. The computer workstation supports colon

midline definition by generating and displaying reformatted cross-sectional images, volume rendered scouts, and interluminal views. Semi-automatic midline defining tools are also included. After the midline is defined, a montage of images is displayed for diagnostic purposes. The images include axial sections, transluminal cross section, and intraluminal volume rendered image);

characterized in that, a reference direction is determined in each cross sectional slice, the object data set is created by concatenating the cross sectional slices, each cross sectional slice orientated so that the reference directions in the cross sectional slices are aligned (column 14, lines 26-32, additionally, the view direction is represented and can be controlled in the navigational scouts. A bold fiducial mark such as a dot marks the current view point in these projections. A line segment extending from this point in the direction of the center of the rendered view is also shown. By manipulating the orientation of this indicator in the rendered scout, the radiologist can control the view direction with clear external "reference" points. Further lines 45-56, another feature allows the observer to inspect the entire colon wall surface. Using the reformatted 2D image, the observer can choose a slice of the colon wall to display as the straightened image. By sequentially rotating the orientation of the slice in either a clockwise or counterclockwise direction, the entire colon wall can be evaluated).

Regarding claim 2, Johnson discloses a method as in claim 1, characterized in that the determination of the reference direction in each cross sectional slice comprises the method of determining an initial reference direction in the initial cross sectional slice, deriving the reference directions in the at least

one further cross sectional slices from the initial reference direction by propagation (column 22, lines 5-31, a desired 3-dimensional view and/or cross-sectional views for the supine scan are displayed. Synchronously, a desired 3-dimensional view and/or cross-sectional views for the prone scan are displayed in box 148. In box 150, the system is to determine whether the imaging operation is done. If yes, the imaging operation ends in box 152. If no, the system determines whether a user has requested to switch the display from the dual scan displaying mode to the single displaying mode in box 154. If no, the imaging operation goes back to box 144. If a switch request is requested, the system switches to a single scan displaying mode on the left side of FIG. 18 starting with box 156. Likewise, if the system "initially" determines that a user requests a single scan displaying mode in box 142, the system goes to execute box 156. In box 156, the system interactively scrolls through stack of enlarged tomograms. A desired 3-dimensional view and/or cross sectional views are displayed in box).

Regarding claim 3, Johnson discloses a method as in claim 2, characterized in that the determined initial reference direction is propagated directly into each of the at least one further slices (column 14, lines 26-32, additionally, the view direction is represented and can be controlled in the navigational scouts. A bold fiducial mark such as a dot marks the current view point in these projections. A line segment extending from this point in the direction of the center of the rendered view is also shown. By manipulating the orientation of this indicator in the rendered scout, the radiologist can control the view direction with clear external "reference" points. Further lines 45-56, another

feature allows the observer to inspect the entire colon wall surface. Using the reformatted 2D image, the observer can choose a slice of the colon wall to display as the straightened image. By sequentially rotating the orientation of the slice in either a clockwise or counterclockwise direction, the entire colon wall can be evaluated).

Regarding claim 9, Johnson discloses the display of an object data set created according to claim 1 (column 3, lines 34-49, a colon midline is defined which follows the colon lumen. The computer workstation supports colon midline definition by generating and displaying reformatted cross-sectional images, volume rendered scouts and interluminal views).

With regard to claims 10 and 11, the arguments analogous to those presented above for claims 1, 2, 3 and 9 are respectively applicable to claims 10 and 11.

#### ***Allowable Subject Matter***

5. Claims 4, 5, 6, 7, and 8, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Other prior art cited**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(U.S. patent 7,298,878) to Goto is cited for image diagnosis supporting device.

(U.S. patent 7,274,810) to Reeves et al is cited for system and method for three-dimension image rendering and analysis.

(U.S. patent 7,116,749) to Besson is cited for method for acquiring multi spectral data of an object.

(U.S. patent 6,973,158) to Besson is cited for multi-target X-ray tube for dynamic multi-spectral limited angle CT imaging.

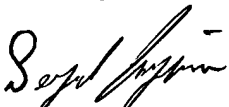
**Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian  
Patent Examiner  
Group Art Unit 2624  
February 3, 2008

  
SEYED AZARIAN  
PRIMARY EXAMINER